

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

)

CASE NO. 8:04CR178

)

Plaintiff,

)

vs.

)

TENTATIVE FINDINGS

)

MERWYN L. LEVERING,

)

)

Defendant.

)

The Court has received the Presentence Investigation Report ("PSR"). The Defendant adopted the PSR. (Filing No. 131). The government has not objected to it. See Expedited Order on Sentencing Schedule (Filing No. 128) and Text Order (Filing No. 130). The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

Accordingly,

IT IS ORDERED:

1. The Court intends to adopt the PSR;
2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court docket and serve upon opposing counsel a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

3. Absent submission of the information required by paragraph 2 of this Order, these tentative findings are final;

4. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at the re-sentencing.

DATED this 9th day of June, 2016.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge